

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:08cr116HSO-RHW

DARRYL ALEXANDER

**ORDER DENYING DEFENDANT'S MOTION
TO STRIKE SURPLUSAGE**

THIS CAUSE is before the Court on the Motion of Defendant Darryl Alexander, to Strike Surplusage filed January 28, 2010 [160-1], together with the Government's Response in opposition to the Motion [162-1]. Alexander moves the Court to strike the following language from his Indictment:

1. As to the Indictment please strike the following language "That starting from on or about sometime in 2000..."since there is no discovery provided to counsel to reflect any transactions from 2000 to 2006 that relates to the alleged conspiracy in our case. Counsel has received over 10,000 pages of discovery and this expansive time frame is not referenced in said discovery as it pertains to this alleged conspiracy.

2. As to the Indictment also strike the following language, "...others both known and unknown to the grand jury..." since it suggests, together with the above language, a greater conspiracy that can be arguably proven.

Def.'s Mot. To Strike, ¶ A, 1&2, p. 1.

The Government objects to Defendant's first request, on the grounds that Defendant's desire to strike the language pertaining to the time period between 2000-2006 is not an attempt to remove surplusage, but rather an effort to limit the time frame set forth in the Indictment. The Government further objects to Defendant's second request to strike the language pertaining to all co-conspirators known and

unknown because “[t]he government is aware, and will call, a significant number of coconspirators but as is the case with all such conspiracies, is unaware of all members of Alexander’s organization.” Govt.’s Resp. at p. 2.

After review of the record, the pleadings on file, and the relevant legal authorities, the Court concludes that the instant Motion is not well taken and should be denied.

IT IS THEREFORE, ORDERED AND ADJUDGED that, Defendant’s Motion to Strike Surplusage [160-1] should be, and is hereby, **DENIED**.

SO ORDERED AND ADJUDGED, this the 11th day of February, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE